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Attorneys for Intervenors COALITION FOR
POLICE ACCOUNTABILITY, RASHIDAH
GRINAGE, SAIED KARAMOOZ, ANNE JANKS
AND JOHN JONES, III

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DELPHINE ALLEN, et al.,)	CASE NO. C00-cv-04599-WHO
Plaintiffs,)	
v.)	DECLARATION OF ELISE R. BERNSTEIN
)	IN SUPPORT OF THE INTERVENORS'
)	MOTION TO INTERVENE AS OF RIGHT, OR
CITY OF OAKLAND, et al.,)	IN THE ALTERNATIVE, PERMISSIVE
)	INTERVENTION
Defendants.)	
)	DATE: MAY 8, 2019
)	TIME: 2:00 P.M.
)	DEPT: 2, 17 TH FLOOR

I, ELISE R. BERNSTEIN, hereby declare:

1. I make this Declaration on personal knowledge in support of the Coalition for Police Accountability and other community representatives' Motion to intervene in this action.

2. I am a resident of Oakland, California. I have lived in Oakland for ten years. I live near East Oakland, a neighborhood that is often subjected to intense and armed law enforcement operations. I frequently observe police activity in my neighborhood, especially police vehicles speeding and driving recklessly in the streets.

3. On March 12, 2019, I witnessed OPD's use of excessive force and over-reaction to an alleged report received of "someone with a gun." OPD officers amassed about 15-20 cruisers,

1 including an armored tank and openly brandished long guns and pistols. Only the intrusion of
2 myself and another neighbor (who knew the resident) caused OPD to withdraw after a standoff of
3 over two hours.

4 4. During the time that I have lived in Oakland, I have participated in a number of
5 community organizations and civic activities. I was part of the struggle to Save Knowland Park, I
6 have served as a commissioner on the Oakland Commission on Persons with Disabilities, and I
7 co-founded the Act for Racial Justice (A4RJ) in response to hate-filled racist local social media
8 postings.

9 5. I also participated in the community movement to pass Measure LL, the enabling
10 legislation to create an independent police commission in Oakland. As part of that effort, I
11 co-organized an A4RJ forum on 2016 Ballot Measures which highlighted Measure LL. I am a
12 member of the Coalition for Police Accountability ("the Coalition" or "CPA"). Our mission is to
13 advocate for accountability of the Oakland Police Department to the community so that the Oakland
14 Police Department operates with equitable, just, constitutional, transparent policies and practices
15 that reflect the values and engender the trust of the community.

16 6. As a resident of Oakland, I am very concerned about lawless police misconduct,
17 particularly when it results in physical harm or death to persons present in our City. I am very
18 concerned about unconstitutional misconduct by our police, including the use of excessive force,
19 racial profiling, perjury and the obstruction of justice. I am acutely aware that I am at risk of the
20 violation of my constitutional rights anytime I encounter an OPD officer.

21 7. In the past ten years, I have personally experienced the lack of common sense and
22 excessive force in OPD street operations following outdated, racist practices. I have been
23 personally impacted by OPD's unconstitutional conduct in an irrational militarized over-response in
24 my residential neighborhood.

25 8. As a resident of Oakland, I pay property taxes, sales taxes and vehicle registration
26 fees, among other costs. I am very aware and concerned that my tax dollars have been used to pay
27 for the monitoring activities mandated by this Court pursuant to the NSA.
28

9. I was shocked and stunned by the killing in North Oakland of Joshua Pawlik in March 2018. In March 2019, I learned of the circumstances under which Mr. Pawlik died. When I learned from the public disclosure of the OPD investigation and Chief Anne Kirkpatrick's disciplinary actions, I was extremely upset and ashamed and felt compelled to support the Coalition's motion to intervene in this lawsuit. Prior to the release of the documents about the death of Joshua Pawlik, I was not aware how blatant Chief Kirkpatrick was willing to be in disregarding the rights and safety of the residents of Oakland.

10. I fully support the request by the Coalition for Police Accountability for the Court-appointed Monitor Robert Warshaw to terminate Chief Anne Kirkpatrick. None of the parties to the litigation have requested Chief Kirkpatrick's termination. I agree with Mr. Warshaw's assessment that Chief Kirkpatrick's analysis of the use of force that resulted in the death of Joshua Pawlik is disappointing and myopic. As a resident of Oakland, I should not be forced to live with a police department under the failed leadership of Chief Kirkpatrick.

11. None of the parties to this action are taking the appropriate steps to reduce the amount of money that the City is paying for the enforcement of the NSA. None of the parties to the litigation have been able to effectively curtail the use of excessive force by OPD or the amount of racial profiling that occurs every day in our City. None of the parties to this litigation are trying to create an effective mechanism for the transfer of oversight to our Police Commission or working to create a sustainable model for oversight.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct. If called as a witness, I could and would testify competently to the matters stated in this Declaration.

Executed in Oakland, California on April 1, 2019.

/s/ Elise R. Bernstein
ELISE R. BERNSTEIN, Declarant